

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

MR. JOHN DOE)	
)	
Plaintiff,)	
)	
v.)	No. _____
)	
)	Judge: _____
PHIL BREDESEN, Governor of the)	
State of Tennessee,)	
CHARLES M. TRAUGHER,)	
Chairman, Tennessee Board)	
of Probation and Parole,)	
RANDALL NICHOLS, District Attorney)	
General for the 6th Judicial)	
District of the State of Tennessee,)	
and)	
MARK GWYN, Director of the)	
Tennessee Bureau of Investigation)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO PROCEED UNDER PSEUDONYM

COMES the Plaintiff, Mr. John Doe, by and through undersigned counsel, and respectfully moves this Honorable Court to allow him to proceed in the above styled cause of action under pseudonym.

In support of his motion, Plaintiff avers:

1. Plaintiff has filed suit in this Court challenging the constitutionality of Tenn. Code Ann. §§ 40-39-201, 40-39-202, 40-39-207, 40-39-301, 40-39-302 and 40-39-303.
2. Plaintiff alleges that the statutes enumerated above are unconstitutional as applied to him because these statutes (1) impose an unconstitutional punishment upon him in violation of the Ex Post Facto Clause of the United States Constitution; (2) unconstitutionally infringe on his

fundamental right to privacy in violation of his substantive due process rights under the United States Constitution; (3) unconstitutionally violate his right to procedural due process under the Fourteenth Amendment to the United States Constitution; and (4) violate his right against self-incrimination under the Fifth Amendment to the United States Constitution. Plaintiff also separately alleges that Tenn. Code Ann. §§40-39-202, 40-39-301 and 40-39-303 are unconstitutional as applied to him as these statutes aggravate his punishment after conviction, also in violation of the Ex Post Facto Clause, by reclassifying the crime of which plaintiff pleaded guilty, by changing his status to that of a “violent sexual offender” and by requiring him to participate in a satellite-based monitoring program. Pursuant to Tenn. Code Ann. §40-39-207, plaintiff, as a reclassified “violent sexual offender,” must now remain on the Tennessee Bureau of Investigation’s Sexual Offender Registry for the remainder of his life with no means for removal.

3. Due to the heated and emotional nature of this case and the potential for widespread publicity, Plaintiff is fearful that he, his wife and their minor children may be subjected to threats, harassment, social stigma, pressure to move from their present home, loss of employment and/or potential harm if their identities became known.

4. In situations in which the plaintiff has substantial privacy interests in anonymity, federal courts have seen fit to allow them to proceed anonymously.

5. In the instant case, the Plaintiff’s substantial privacy interests outweigh the public’s interest in disclosure of the Plaintiff’s name.

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6. If the Court deems it necessary for any reason, counsel will disclose Plaintiff’s identity

to the Court with an appropriate order protecting the information.

10. The reasons in further support of this motion are set out in the accompanying memorandum of law.

Wherefore, Plaintiff respectfully request that he be permitted to proceed under pseudonym forthwith.

Respectfully submitted this 1st day of March, 2006.

s/Leslie M. Jeffress
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing pleading was forwarded, by hand delivery, facsimile, and/or placing the same in the United States mail, with proper postage affixed thereon to:

Robert E. Cooper, Jr.
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This 1st day of March, 2006.

s/Leslie M. Jeffress
LESLIE M. JEFFRESS